

Benton County Planning Board

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**Benton County Development Department
Planning Division**

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**COMMERCIAL/INDUSTRIAL LARGE SCALE DEVELOPMENT:
PLANNER'S TECHNICAL REPORT**

15271 Burgin Valley Road

EXECUTIVE SUMMARY

The applicant, Rogers Group Inc. is requesting a one year extension for the opening of the Centerton Quarry site. The proposed development was approved with stipulations by the Benton County Planning Board on July 19, 2006. Subsequently, the applicant has received extension of timelines that were approved by the Planning Board on March 21, 2007; October 15, 2008; December 31, 2011 and March 21, 2012.

Following is a summary of the decision of March 21, 2012 required the following stipulations along with the applicant's comments on the status:

- 1. Applicant shall abide by all requirements of the written agreement with Benton Washington Regional Public Water Authority signed by Tim Gorman, VP The Rogers Group.**

Applicant's response dated March 3, 2014: we have been abiding by the agreement listed above.

Staff comment- Staff has further confirmed with Mr. Scott Borman, Benton Washington Regional Public Water Authority, that since no site plan changes are proposed, the agreement is satisfactory.

Agreement dated October 3, 2011 is available in file.

- 2. Applicant shall submit a letter from the Centerton Water Department indicating their acceptance of the mitigation plan for blasting in the vicinity of the water line.**

Applicant's response dated March 3, 2014: we do not have an agreement with the Centerton Water Department. We will be requesting a meeting with them in the near future to discuss an agreement similar to the Benton Washington Regional Water Authority.

Staff Comment- Applicant to provide a timeline for satisfying this stipulation.

- 3. Applicant shall submit a letter from AHTD indicating their approval of proposed improvements to the intersection of Bethlehem Road and Highway 102.**

Applicant's response dated March 3, 2014: We have received a letter from AHTD related to the intersection improvements.

Staff Comment- Letter dated December 13, 2006, is available in file. Staff will verify with AHTD.

- 4. The applicant shall arrange for a traffic study, to be conducted by a certified traffic engineer, of the intersection of Highway 102 and Bethlehem Road based on anticipated truck traffic and turning movements and conflicts with existing land uses (e.g. new Centerton fire station). This must be reviewed and approved by AHTD and the study and AHTD approval received by the Planning Office and the Road Department prior to commencement of construction of road improvements.**

Applicant's response dated March 3, 2014: I have attached a copy of the traffic study that was completed by a certified traffic control engineer. The traffic study has not yet been approved by AHTD. Benton Co Road Department has approved and constructed the Bethlehem Road section.

Staff comment: Applicant to provide a timeline for AHTD Approval. Letter dated September 27, 2011 from the Benton County Judge is available in staff file.

- 5. Confirmation by applicant of agreement that hours of operation are limited to the following: Monday through Friday, 6:00 a.m. to 6:00 p.m., Saturday from 7:00 a.m. to 12:00 p.m. with no operations on Sunday. Blasting may occur only between the hours of 9:00 a.m. and 5:00 p.m.**

Applicant's response dated March 3, 2014: we agree to the above listed hours of operation.

Staff comment: None

- 6. The Benton County Road Department and the Rogers Group shall come to a formal agreement in regard to the design, cost, and construction of the improvements to Bethlehem Road. The applicant shall furthermore abide by said agreement in a timely manner.**

Applicant's response dated March 3, 2014: We have come to a formal agreement with the Benton Co Road Department related to improvements of Bethlehem Road. These improvements have been completed.

Staff comment: None

- 7. The Rogers Group shall ensure that trucks to and from the quarry do not use Burgin Valley Road. If quarry trucks cannot be controlled on this route, The Rogers Groups shall pave Burgin Valley Road to a standard acceptable to the County Road Department in a timely manner.**

Applicant's response dated March 3, 2014: we have not allowed trucks to use Burgin Valley Road. If our trucks use this route we will pave it to a standard approved by the County Road department in a timely manner.

Staff comment: None

- 8. ADEQ air and water quality permits shall be kept current at all times and renewed no later than one (1) month prior to expiration. Any revised permits shall be submitted to the County Planning office within one (1) month of receipt.**

Applicant's response dated March 3, 2014: All ADEQ permits have remained current.

Staff comment: ADEQ Permit will expire on June 30, 2014. Applicant is required to submit the renewed permit as required in the stipulation.

- 9. The submitted surety bond dated February 1, 2007 from *The Travelers* in the amount of \$44,000 (or a current legal surety instrument as applicable) shall be required to be maintained for the purpose of site reclamation. The site shall be remediated to a standard deemed acceptable to the ADEQ Surface Mining and Reclamation Division.**

Applicant's response dated March 3, 2014: The above listed surety bond has been maintained as requested.

Staff comment: Applicant to verify as the permit has expired.

- 10. A 200 foot buffer shall be established around the quarry site as designed on the Drainage and Layout Plan dated January 26, 2012.**

Applicant's response dated March 3, 2014: the 200 foot buffer remains as requested.

Staff comment: Staff has requested the applicant to provide the approved site plan in a pdf format.

- 11. No concrete or asphalt plant shall be established on the site without subsequent Planning Board approval.**

Applicant's response dated March 3, 2014: we do not have a concrete or asphalt plant on site.

Staff comment: None

- 12. All required project improvements including all stipulations shall be completed prior to the commencement of commercial activity on the site (commercial activity shall hereby be defined as including blasting (except for site preparation); any moving or removal of earth or other materials from the site; any commercial truck activity on, to, or from the site; or any other activity associated with commercial quarry operations. It shall not include activity intended to establish the safeguards and nuisance abatement site elements approved as part of the site plan).**

Applicant's response dated March 3, 2014: we have not commenced disturbance activity on the site.

Staff comment: None

- 13. Plans for the mining of Area B must be submitted for review to the Planning Staff prior to the beginning of mining operations in that area. This shall be done via a revision to the approved site plan.**

Applicant's response dated March 3, 2014: Area "B" plans will be submitted for review before mining operation begin in that area.

Staff comment: Applicant to provide a timeline for plan submission. A complete application form and fees will be required for the review.

- 14. Planning Board approval is in force for two (2) years from the date of approval. The applicant, provided that specific timing of the commencement of commercial operations on site is forthcoming, may be eligible for only one (1) extension of this approval of no more than one (1) additional years from the date of this decision after which time a new application shall be required. Application for such extension, if sought, must be made in complete form no later than thirty (30) days prior to the expiration of this approval.**

Applicant's response dated March 3, 2014: we are currently requesting a one year extension.

Staff comment: Applicant provided written request for extension on February 13, 2014, within the required timelines.

- 15. All required approvals from state and federal agencies must be in place at the start of construction improvements.**

Applicant's response dated March 3, 2014: All state and federal approvals for the construction approvals are in place as requested.

Staff comment: Applicant is requested to provide a list of all State and federal permits obtained for the proposed quarry operations.

ADEQ Permit for Quarry Authorization available in staff file expired on September 29, 2013. Applicant to provide an updated Permit.

ADEQ General Air Permit for rock crushing facilities expired on November 2, 2011.

Similarly, ADEQ NPDES Permit shall expire on June 30, 2014. Applicant is required to provide timeline for the updated permit.

On February 26, 2014, applicant attended the Development Review Committee meeting.

On March 19, 2014, applicant attended the Planning Board TAC meeting. No updates are available since TAC meeting.

PROJECT INFORMATION

Owner/ Applicant: ROGERS GROUP, INC. / Tim Gorman, Arkansas Vice president

Adders of subject property: 15271 Burgin Valley Road

Parcel ID: 18-11233-000

Parcel Size: 200.55 acres

Current Land Use: Residence and undeveloped land

Approved Land Use: Quarry

Proposal: To extend the timelines for commencement of commercial operation on-site for one year from the date of approval, i.e. to March 21, 2015.

Attachments: Appendix A: Letter from Rogers Group Inc. dated February 13, 2014
Appendix B: Location Map

NOTICING REQUIREMENTS

Applicant provided the proof of notification to planning staff on March 19, 2014.

PLANNING ANALYSIS

Background: On July 19, 2006, application for a quarry was approved by the Benton County Planning Board. Subsequently, the applicant requested extension of start of work three times as follows:

- I. On March 21, 2007 the Planning Board approved the first extension request for two years to March 21, 2009.
- II. On October 15, 2008, a similar request was approved by the Planning Board providing extension to December 2011.
- III. On March 21, 2012, the Planning Board approved a similar request for an extension with the following stipulations:
 1. Applicant shall abide by all requirements of the written agreement with Benton Washington Regional Public Water Authority signed by Tim Gorman, VP The Rogers Group.

2. Applicant shall submit a letter from the Centerton Water Department indicating their acceptance of the mitigation plan for blasting in the vicinity of the water line.
3. Applicant shall submit a letter from AHTD indicating their approval of proposed improvements to the intersection of Bethlehem Road and Highway 102.
4. The applicant shall arrange for a traffic study, to be conducted by a certified traffic engineer, of the intersection of Highway 102 and Bethlehem Road based on anticipated truck traffic and turning movements and conflicts with existing land uses (e.g. new Centerton fire station). This must be reviewed and approved by AHTD and the study and AHTD approval received by the Planning Office and the Road Department prior to commencement of construction of road improvements.
5. Confirmation by applicant of agreement that hours of operation are limited to the following: Monday through Friday, 6:00 a.m. to 6:00 p.m., Saturday from 7:00 a.m. to 12:00 p.m. with no operations on Sunday. Blasting may occur only between the hours of 9:00 a.m. and 5:00 p.m.
6. The Benton County Road Department and the Rogers Group shall come to a formal agreement in regard to the design, cost, and construction of the improvements to Bethlehem Road. The applicant shall furthermore abide by said agreement in a timely manner.
7. The Rogers Group shall ensure that trucks to and from the quarry do not use Burgin Valley Road. If quarry trucks cannot be controlled on this route, The Rogers Groups shall pave Burgin Valley Road to a standard acceptable to the County Road Department in a timely manner.
8. ADEQ air and water quality permits shall be kept current at all times and renewed no later than one (1) month prior to expiration. Any revised permits shall be submitted to the County Planning office within one (1) month of receipt.
9. The submitted surety bond dated February 1, 2007 from *The Travelers* in the amount of \$44,000 (or a current legal surety instrument as applicable) shall be required to be maintained for the purpose of site reclamation. The site shall be remediated to a standard deemed acceptable to the ADEQ Surface Mining and Reclamation Division.
10. A 200 foot buffer shall be established around the quarry site as designed on the Drainage and layout Plan dated January 26, 2012.
11. No concrete or asphalt plant shall be established on the site without subsequent Planning Board approval.
12. All required project improvements including all stipulations shall be completed prior to the commencement of commercial activity on the site (commercial activity shall hereby be defined as including blasting (except for site preparation); any moving or removal of earth or other materials from the site; any commercial truck activity on, to, or from the site; or any other activity associated with commercial quarry operations. It shall not include activity intended to establish the safeguards and nuisance abatement site elements approved as part of the site plan).

13. Plans for the mining of Area B must be submitted for review to the Planning Staff prior to the beginning of mining operations in that area. This shall be done via a revision to the approved site plan.
14. Planning Board approval is in force for two (2) years from the date of approval. The applicant, provided that specific timing of the commencement of commercial operations on site is forthcoming, may be eligible for only one (1) extension of this approval of no more than one (1) additional years from the date of this decision after which time a new application shall be required. Application for such extension, if sought, must be made in complete form no later than thirty (30) days prior to the expiration of this approval. ***Applicant provided written request for extension on February 13, 2014, within the required timelines.***
15. All required approvals from state and federal agencies must be in place at the start of construction improvements.

Comments received:

Benton Washington Regional Public Water Authority- Scott Borman: March 13, 2014- “the Benton Washington Regional Public Water Authority has a 36 inch high pressure water transmission main located on the piece of property to be quarried. In conjunction with the Rogers Group, a third party engineering study was completed for the Quarry area specifically targeting best practices to protect the line during quarry operations. Based on operating under those specified best operating practices, the Rogers Group does have a current agreement with the BWRPWA and as long as all of the caveats of that original agreement remain in place, BWRPWA does not have any objection to the request for an extension.

But, because of the expansion of rural water service lines in this area, I would also recommend that the Centerton Water and Sewer Commission, the City of Decatur, and the City of Highfill, along with BWRPWA be allowed to review any actual operational plans from the Rogers Group before the Quarry is allowed to start operation. In this way we can all be sure that there will any new conflicts with newer transmission lines that may have been installed by individual utilities during all the extensions. I would also recommend that the Rogers Group provide a copy of the Agreement between them and BWRPWA; as well as, a copy of the Engineering study and recommendations for the Planning Department's records. Please let me know if you have any questions or need additional information”.

Caroline Eastman, Benton County Health Department- March 14, 2014-

“I believe they will be using the existing house on site for their offices? We do not have a septic permit on file for the house, but they had the existing system inspected last year. It is an older system and not very large, so they will need to keep the water usage to a minimum. If at any point, the system would show signs of failure, they must replace the septic system.

They definitely need to protect the lateral field and tank area during development and keep trucks from driving in that area from now on. They also need to make sure they leave themselves an undisturbed area nearby where they could do a repair of the septic as needed. (That system will not last forever!)”.

No issues or concerns were identified by the following: Delton Bush, Fire Chief Centerton FD,
Benton County Fire Marshal and Road Department

Report Prepared by: Pinky Singh, AICP

APPENDIX A



ROGERS GROUP, INC.

1223 Front St. Conway, AR 72032 Phone: (501) 329-8360

February 13, 2014

Ms. Amber Beale
Planning Coordinator
Benton County Planning
905 NW 8th Street
Bentonville, AR 72712

RE: Rogers Group Inc. Centerton Quarry Site

Dear Amber,

Rogers Group Inc. is requesting approval to extend the opening of the Centerton Quarry Site for one year until March 21, 2014. We feel that it would be best for all parties involved to delay the opening of this quarry at this time.

Rogers Group Inc. will ensure all of the conditions of the approval by the Benton County Planning Board are in progress at the time of opening the quarry.

Sincerely,

Tim Gorman
Arkansas Vice President
Rogers Group, Inc.

APPENDIX B

